

STATEMENT OF PROCEEDINGS
FOR THE SPECIAL MEETING
OF THE LOS ANGELES COUNTY CLAIMS BOARD
HELD IN ROOM 648 OF THE KENNETH HAHN HALL OF ADMINISTRATION,
500 WEST TEMPLE STREET, LOS ANGELES, CALIFORNIA 90012

ON

MONDAY, JANUARY 12, 2008, AT 8:00 AM

Present: Maria M. Oms, Rocky Armfield and John Krattli

The following items were presented to the Claims Board for consideration and the Claims Board took actions as indicated in bold.

1. Call to Order.
2. Opportunity for members of the public to address the Claims Board on items of interest within the subject matter jurisdiction of the Claims Board.

No members of the public addressed the Claims Board.

3. Closed Session – Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Government Code Section 54956.9).
 - a. Adetokunbo Shoyoye v. County of Los Angeles
Los Angeles Superior Court Case No. BC 388 511

This lawsuit seeks compensation by an inmate for allegedly being over-detained in the Los Angeles County Jail; settlement is recommended in the amount of \$40,000.

Action Taken:

No reportable action was taken.

- b. Joe and Sheila Flores v. County of Los Angeles
Los Angeles Superior Court Case No. VC 048 581

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$60,000.

Action Taken:

The Claims Board approved settlement in the amount of \$60,000.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- c. Claims of Katie Villatoro, Lillian Villatoro, Frankie Villatoro and Briana Villatoro

These claims seek compensation for injuries sustained in a vehicle accident involving an employee of the Sheriff's Department; settlement is recommended in the amount of \$20,900.

The Claims Board approved settlement in the amount of \$20,900.

Absent: None

Vote: Unanimously carried

See Supporting Documents

- d. Claim of Linda Robbins

This claim seeks compensation for damage caused by a sewage back-up; settlement is recommended in the amount of \$99,052.61.

The Claims Board approved settlement in the amount of \$99,052.61.

Absent: None

Vote: Unanimously carried

See Supporting Documents

4. Report of actions taken in Closed Session.

The Claims Board reconvened in open session and reported the actions taken in closed session as indicated under Agenda Item No. 3 above.

5. Adjournment.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|----------------------------|---|
| CASE NAME | Joe & Sheila Flores v. County of Los Angeles, et al. |
| CASE NUMBER | VC048581 |
| COURT | Los Angeles Superior Court |
| DATE FILED | 4/19/2007 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$60,000 |
| ATTORNEY FOR PLAINTIFF | Agnew & Brusavich |
| COUNTY COUNSEL ATTORNEY | Brian T. Chu Principal Deputy County Counsel |
| NATURE OF CASE | On July 13, 2006, at approximately 9:30 p.m., Plaintiff Joe Flores was driving southbound on Leffingwell Road through the signalized intersection with Meyer Road in the unincorporated county area as the traffic signal turned from green to yellow. At the same time, a Sheriff's Deputy was driving a patrol unit westbound towards the intersection. When the Deputy applied his brakes to stop at the intersection, the brake system did not engage. As a result, the patrol unit collided broad-side into Mr. Flores's |

vehicle. Mr. Flores contends that the Deputy was negligent in the operation of the patrol unit by driving too fast for the conditions. The County and the Deputy contend that the master cylinder of the brake system experienced a catastrophic and sudden failure that could not be anticipated by a routine visual inspection during the normal vehicle maintenance schedule. Mr. Flores claims soft tissue neck and back injuries, a cognitive deficit and depression. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

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| PAID ATTORNEY FEES, TO DATE | \$38,095 |
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| PAID COSTS, TO DATE | \$55,501 |
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Summary Corrective Action Plan



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

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| Date of incident/event: | <u>Joe and Sheila Flores v. County of Los Angeles</u> (Summary Corrective Action Plan #2008-015) Thursday, July 13, 2006; 9:40 PM |
| Briefly provide a description of the incident/event: | <p>On Thursday, July 13, 2006, at approximately 9:40 PM, a uniformed Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle west on Leffingwell Road, Whittier (unincorporated Los Angeles County).</p> <p>The deputy sheriff was operating the patrol vehicle (a 1996 Ford Crown Victoria; California License Number E039483) at a speed estimated at 35 to 40 miles per hour when he approached the intersection with Meyer Road. As the deputy sheriff attempted to stop his vehicle for the opposing red traffic signal, the vehicle's braking system failed. He entered the intersection against the red traffic light and his vehicle collided with the driver's side of the plaintiff's vehicle (a 2005 Ford Explorer; California License Number 5PZC325) as the plaintiff was proceeding south on Meyer Road with the benefit of a green traffic light.</p> |

1. Briefly describe the root cause of the claim/lawsuit:

This is a case of disputed, yet probable, liability.

The plaintiff asserts the Los Angeles County deputy sheriff caused the traffic collision by failing to stop for the red traffic signal at the intersection of Leffingwell Road and Meyer Road. The deputy sheriff maintains that in attempting to stop his patrol vehicle for the red traffic light, he applied his brakes, but the braking system failed.

The plaintiff claims damages for loss for personal injuries (medical expenses). He also claims past and future lost earnings due to his subsequent termination from his employer (Southern California Edison) for operating a motor vehicle after consuming alcohol. While at the scene, the plaintiff was arrested by California Highway Patrol (CHP) officers for driving under the influence of alcohol.

The plaintiff's vehicle sustained major damage. The patrol vehicle was deemed a total loss.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate.)

The resulting traffic collision was investigated by representatives of the CHP. Their investigation concluded that the primary causal factor in this incident was the deputy sheriff's failure to stop for the red traffic signal.

At the scene, a CHP officer visually inspected the deputy sheriff's vehicle and concluded the brakes were in working order.

Pursuant to Los Angeles County Sheriff's Department policy (3-09/070.20, Duties of the Watch Commander/Operations Lieutenant), the deputy sheriff's patrol vehicle was subsequently impounded and transported from the collision scene to the Los Angeles County Sheriff's Department's Communications and Fleet Management Bureau to allow automobile mechanics the opportunity to complete a thorough brake inspection.

On August 1, 2006, the Los Angeles County Sheriff's Department conducted a subsequent, more comprehensive examination of the deputy sheriff's vehicle. This inspection revealed a mechanical defect(s) in the patrol vehicle's braking system. This preexisting mechanical condition may have contributed to the catastrophic loss of the vehicle's braking system.

The Los Angeles County Sheriff's Department had adequate policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's current training curriculum sufficiently addresses the circumstances which occurred in this incident.

The Los Angeles County Sheriff's Department's formal administrative review revealed no employee misconduct on the part of the Department personnel.

A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which would likely exceed the recommended settlement amount.

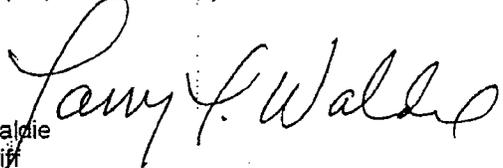
RECOMMENDED SETTLEMENT AMOUNT: \$60,000.

This summary corrective action plan has no countywide implications (refer to #3 below).

County of Los Angeles
Summary Corrective Action Plan

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

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| Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau | Date: 12-10-08 |
| Signature: (Department Head)  Larry L. Walz Undersheriff | Date: 12-10-08 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

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|----------------------------|---|
| CASE NAME | Claims of Katie Villatoro, Lilian Villatoro, Briana Villatoro and Frankie Villatoro |
| CASE NUMBER | N/A |
| COURT | N/A |
| DATE FILED | 1/11/2008 |
| COUNTY DEPARTMENT | Sheriff's Department |
| PROPOSED SETTLEMENT AMOUNT | \$20,900 |
| ATTORNEY FOR PLAINTIFF | Law Offices of Jubin Sharifi |
| COUNTY COUNSEL ATTORNEY | Brian T. Chu Principal Deputy County Counsel |
| NATURE OF CASE | On January 11, 2008 at approximately 4:15 p.m., Claimant Katie Villatoro was driving eastbound on Garvey Avenue, in the City of El Monte, when she stopped for a pedestrian at a marked crosswalk at 10050 Garvey Avenue. At the same time, a Sheriff's deputy driving a marked patrol unit approached Ms. Villatoro's vehicle directly behind her. The deputy momentarily diverted his attention to the patrol unit's mobile data terminal. When the deputy looked back up, he saw Ms. Villatoro's vehicle stopped. The deputy |

applied his brakes but was unable to stop before colliding into the rear of Ms. Villatoro's vehicle, causing moderate damages. Ms. Villatoro and her passengers Lilian Villatoro, Briana Villatoro and Frankie Villatoro claim medical expenses and pain and suffering damages, contending that the deputy negligently rear-ended her vehicle. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE \$0

PAID COSTS, TO DATE \$0



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

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| Date of incident/event: | <p style="text-align: center;"><u>Claims of Katie Villatoro, Lilian Villatoro, Frankie Villatoro (minor), and Briana Villatoro (minor)</u> (Summary Corrective Action Plan #2008-016)</p> <p>Friday, January 11, 2008; 4:15 PM</p> |
| Briefly provide a description of the incident/event: | <p>On Friday, January 11, 2008, at approximately 4:15 PM, a uniformed Los Angeles County deputy sheriff was driving a standard black and white patrol vehicle east on Garvey Avenue in the city of El Monte.</p> <p>The deputy sheriff was driving at a speed estimated at 25 to 30 miles per hour when the vehicle in front of his (driven by the plaintiff, Katie Villatoro) stopped for a pedestrian in a marked crosswalk. The deputy sheriff, whose attention had been momentarily diverted by his vehicle's mobile digital terminal (MDT), failed to bring his vehicle to a stop before it collided with the rear of the plaintiff's vehicle.</p> |

1. Briefly describe the root cause of the claim/lawsuit:

This is a case of undisputed liability.

The plaintiffs assert the deputy sheriff was driving at an unsafe speed and was inattentative when the vehicle he was driving collided with the rear of their vehicle. While the deputy sheriff was operating his vehicle in a reasonable manner, he did admit to momentary inattention.

As a result of this traffic collision, Katie Villatoro was diagnosed with a chest contusion and a cervical and thoracic sprain/strain. She received medical treatment for a period of three months following the incident.

Lilian Villatoro was diagnosed with a thoracic and lumbar sprain/strain. She, too, received medical treatment for a period of three months following the incident.

Frankie Villatoro and Briana Villatoro (both minors) underwent medical examinations and appear to be without symptoms.

County of Los Angeles
Summary Corrective Action Plan

- 2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The resulting traffic collision was investigated by representatives of the El Monte Police Department. Their investigation concluded that the primary causal factor in this incident was the deputy sheriff's operation of his vehicle at an unsafe speed. The Los Angeles County Sheriff's Department's independent administrative review found the deputy sheriff violated established policies and/or procedures. Appropriate administrative action against the Los Angeles County deputy sheriff was taken.

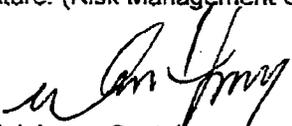
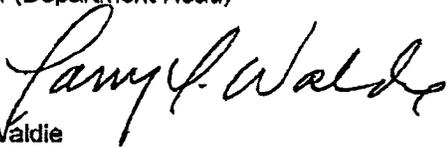
A full and final settlement at this time will avoid further litigation expenses and a potential jury verdict which may exceed the recommended settlement amount.

RECOMMENDED SETTLEMENT AMOUNT: \$20,900.

This summary corrective action plan has no countywide implications (refer to #3 below).

- 3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department implications.

| | |
|---|-----------------------|
| Signature: (Risk Management Coordinator)  David J. Long, Captain Risk Management Bureau | Date: 12-08-08 |
| Signature: (Department Head)  Larry L. Waldie Undersheriff | Date: 12-08-08 |

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

| | |
|----------------------------|---|
| CASE NAME | Claim of Linda Robbins |
| CASE NUMBER | N/A |
| COURT | N/A |
| DATE FILED | September 10, 2007 |
| COUNTY DEPARTMENT | Public Works Special District General Liability Trust Fund - Sewer & Drain District |
| PROPOSED SETTLEMENT AMOUNT | \$99,052.61 |
| ATTORNEY FOR PLAINTIFF | None |
| COUNTY COUNSEL ATTORNEY | Brian T. Chu Principal Deputy County Counsel (213) 974-1956 |
| NATURE OF CASE | This non-litigated claim involves property damages arising from a sewer backup at the home of Linda Robbins located in Altadena. A County sewer crew investigated the complaint and found that wastewater from a sewer main line entered the home through a bathroom toilet and bathtub and intruded into the adjoining bathroom, hallway, bedroom and closet. The County crew rodded the mainline and relieved a stoppage created by overgrown tree roots. The sewage, |

however, caused additional damage to the flooring, drywall, cabinetry, baseboards, paint, plumbing fixtures, appliances, walls and other personal property. The sewer mainline is maintained by the County as part of the Consolidated Sewer Maintenance District. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.

PAID ATTORNEY FEES, TO DATE \$0

PAID COSTS, TO DATE \$450



Summary Corrective Action Plan
County of Los Angeles Department of Public Works



The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

| | |
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| Claim/Lawsuit: | Linda Robbins, Carla Bagdasaryan |
| Date of incident/event: | August 23, 2007 |
| Briefly provide a description of the incident/event: | <p>This is a sewage back-up that occurred at 2065 Maiden Lane, Altadena. The claimant stated raw sewage filled and overflowed into Units A and B, and flooded the backyard through the clean-out.</p> <p>Public Works responded and the crew confirmed the existence of a main line blockage created by overgrown tree roots between Manhole Numbers 229 and 230. Remediation under the Rapid Response Program was initiated.</p> |

1. Briefly describe the root cause of the claim/lawsuit:

Tree root blockage of the main line sewer. Public Works provided semi-annual inspections of the main line. The last inspection was carried out on August 17, 2007.

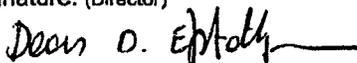
County of Los Angeles Department of Public Works
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The segment of main line was placed on a 90 day rodding schedule to prevent future blockages and will remain on this schedule until it is no longer necessary as determined by maintenance personnel. It will also continue to be on a semi-annual inspection program.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has County-wide implications.
- Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have County-wide or other department implications.

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|--|-----------------|
| Signature: (Risk Management Coordinator)  Pat Proano | Date: 7/2/08 |
| Signature: (Director)  Dean E. Efstathiou (Acting Director) | Date: 7/2/08 |